

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA  
AT MARTINSBURG

FILED

June 1, 2005

MICHAEL ANTHONY HUGHES,

Plaintiff,

v.

CIVIL ACTION NO. 3:05CV9  
(BROADWATER)

JERRY L. DETRICK, ADMINISTRATOR,

Defendants.

**ORDER ADOPTING MEMORANDUM, OPINION AND ORDER**

On this day the above styled case came before the Court for consideration of the Report and Recommendation of Magistrate Judge James E. Seibert, dated May 11, 2005. The petitioner did not file objections to the Report as permitted by 28 U.S.C. § 636(b)(1)(C). After reviewing the above, the Court finds the Magistrate Judge's findings are neither clearly erroneous nor contrary to law.

Therefore, it is **ORDERED**

1) the Memorandum, Opinion and Order (**Docket No. 9**) should be and is hereby **ADOPTED**;

The Clerk is directed to transmit true copies of this Order to the petitioner and all counsel of record herein.

2) plaintiffs complaint to be dismissed without prejudice; and

3) the clerk is directed to strike this matter from the courts active docket.

DATED this 6<sup>th</sup> day of June 2005.

W. Craig Broadwater